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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,836	12/12/2001	Jeong Yong Kim	5882P002	3951

8791 7590 11/01/2005

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2656

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,836	KIM ET AL.	
	Examiner	Art Unit	
	Jorge L. Ortiz-Criado	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "large tracks" in claim 1 is not defined by the claim and the specification does not provide a standard for ascertaining the claim terminology, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. Where applicant acts as his or her own lexicographer to specifically define a term, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "large tracks" in claim 1, giving the broadest reasonable interpretation, is used by the claim to mean "tracks larger than a small ones ("small tracks")(see also Applicants response filed 08/08/2005; page 6, lines 15-18), the term is indefinite because the specification does not clearly set forth such "large track in such manner. The term "large track" as described in the specification and figures (i.e. Figure 2, ref #31 and 32, page 7, lines 5-8) appears to be "a region"

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on the disk, and no such “large tracks” cannot be found delineated. There is a doubt in that the “region/large tracks” could be a group of tracks in a specific region/zone/band etc. or merely refers that the tracks at inner side of the disk are the “small tracks”(i.e. smaller at the inner circumference) and relatively tracks at outer side of the disk are the “large tracks” (i.e. larger at the outer circumference).

As far as the claims recite positive limitations, the following art rejections are made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by Ueda JP 07-210903.

Regarding claim 1, Ueda discloses a data storage system “capable of” recording/reading optical data on a disk media, comprising:

multiple probe “column” arranged in a row, (see paragraph [0012]-[0018] Figures 1,2,3,4)

wherein a region on which data can be recorded on the disk media, which is divided into small tracks and large tracks (see Figure 1 and 7),

said probe column between the small tracks and the large tracks is moved by a dual driving control device in which high resolution movement and low resolution movement are integrated (see paragraph [0013]-[0014], Figure 1, ref # 6)

Regarding claim 2, Ueda discloses wherein said probe column has a plurality of probes arranged in a row at one end within a probe column support (see paragraph [0012]-[0015] figures 1,2,3,4)

Regarding claim 3, Ueda discloses wherein said probe column is moved in a radial direction on the disk while the disk is rotated and records/reads in a spiral shape or a concentric circle shape (see paragraph [0012] Figure 1 and 7-8)

Response to Arguments

3. Applicant's arguments filed 08/08/2005 have been fully considered but they are not persuasive.

Applicants argues that Ueda et al. does not teach or suggest “a dual driving control device in which high resolution movement and lower resolution movement are integrated” And argues that Ueda et al. does not teach or suggest small tracks and large tracks “tracks of different sizes”.

The Examiner cannot concur with Applicant because Ueda et al. discloses where the control device #6 performs of the probe column movement within “large tracks” groups of tracks that correspond to each probe “low resolution movement” and movement of each probe within one track of the group of tracks “small tracks” “high resolution movement”.

Furthermore, Ueda et al. discloses having group of tracks that corresponds to each probe “large tracks” and each of the tracks of the groups tracks are the “small tracks”, hence different sizes.

Applicants also argues that claim 1-3 are not indefinite for failing to define the terms “large” tracks and “small tracks” and that the definition for the terms are found in the specification at page 7 lines 5-8.

The Examiner cannot concur because the term “large tracks” in claim 1, giving the broadest reasonable interpretation, is used by the claim to mean “**tracks larger than a small ones**, (“small tracks”) (see Applicants response page 6, lines 15-18). The term is indefinite because the specification at the portion cited by the Applicant does not clearly set forth such “large track in such manner. The term “large track” as described in the specification and figures (i.e. Figure 2, ref #31 and 32, page 7, lines 5-8) appears to be “a region” on the disk, and no such “large tracks” cannot be found delineated. The “region/large tracks” could be a group of tracks in a specific region/zone/band etc. or merely refers that the tracks at inner side of the disk are the “small tracks”(i.e. smaller at the inner circumference) and relatively tracks at outer side of the disk are the “large tracks” (i.e. larger at the outer circumference).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HOA T NGUYEN can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOA T. NGUYEN
SUPERVISORY PATENT EXAMINER
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10/29/05